

REMARKS

Claims 26-54 are pending in this application with claims 26, 37, 40, 42 and 46-48 and 52-54 being amended in this response. Claim 40 is formally amended for purposes of clarity to state that "recognition of at least one extracted portion of the content of said audiovisual programme, by means of recognition elements making it possible to obtain said portion and said recognition elements being recorded in a storage space". Support for the amendments to the claims may be found throughout the specification and originally filed claims. Consequently, Applicants respectfully submit that no new matter is added by the amendments to the claims.

Telephone Interview Summary

Applicant's Representative would like to thank Examiner Beharry for the courtesy extended during the telephone discussion on March 11, 2010. During this discussion, Examiner Beharry and Applicant's Representative discussed the Rejection under 35 USC 101. Examiner Beharry indicated that the Rejection under 35 USC 101 would be overcome by amending the claims to recite a processor that executes instructions for performing the claimed features. The claims have been amended in accordance with the suggestion of the Examiner.

Rejection of Claim 26 – 41 under 35 USC 101

Claims 26 – 41 are rejected under 35 USC 101 as being software per se. In view of the above remarks regarding the discussion with Examiner Beharry on March 11, 2010, independent claims 26, 37, 40 and 32 have been amended in accordance with the suggestion of the Examiner to include the term "processor". Specifically, claim 26 is amended to recite a "Recognition unit comprising a processor for executing instructions for recognizing synchronization signals in at least one audiovisual programme received, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information". Claim 37 is amended to recite a "Specification unit comprising a processor for executing instructions for specifying synchronization signals associated with at least one audiovisual programme" and claim 40 is amended to recite a "Activation assembly comprising a processor for executing

instructions for activation by recognition of synchronization signals in at least one audiovisual programme received, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information". Claim 42 is amended to recite a "Synchronization system comprising a processor for executing instructions". Thus, as these claims recite a processor they are known in the art to be hardware and thus are statutory subject matter under 35 USC 101.

Applicant would like to point out that the amendments made to the claims are done in order to further prosecution on the subject patent application. However, despite these amendments, Applicant maintains that the assertion that the claims, as previously presented, were software *per se* is erroneous. The Office Action asserts that on page 9, line 29 – page 10, line 5 of the present specification, the elements "units" and "modules" are "one and the same piece of software". Applicants respectfully disagree. Applicants respectfully submit that the definition alleged in the Office Action takes the present specification out of context. The full passage from which the Office Action cites is (emphasis added):

"In the definition of the recognition unit, as in the remainder of the patent application, the "units" and "modules" are to be understood in a functional sense, and are therefore not limited to particular realizations. Thus, they may in particular be grouped together into one and the same component or one and the same piece of software, or on the contrary be dispersed among various components. Moreover, the recognition unit can be installed broadcasting side (typically at the broadcaster's premises), service operator side, or in a terminal for receiving audiovisual programmes, preferably an interactive one, in embedded form."

Thus, the passage mentions that the units and the modules are not limited to particular realizations, and may notably be grouped together in one and the same **component** or in one and the same piece of **software**. The wording "component" is thus clearly proposed as an alternative to "software", and describes an article of manufacture that is not software. Therefore, Applicants respectfully submit that in view of Applicants definition, the term unit and/or module clearly contemplates that the claimed "reception

module”, “detection module” and “transmission module” are hardware components which, when assembled together, form the claimed “recognition unit”. Therefore, one skilled in the art of computer architecture would understand the term component to be a piece of hardware circuitry and not merely a piece of software per se. In addition, the passage mentions “in embedded form”. A person skilled in the art knows that there exist two forms of embedding, i.e. in hardware or software. Therefore, a person skilled in the art would thus understand the cited passage as defining units and modules of the claimed arrangement as being implemented in hardware components or in a piece of software. Thus, by asserting that the claimed elements are software per se, the Office Action artificially and unduly limits the scope of the invention contemplated by the Applicants. As the claimed arrangement clearly includes elements that are hardware, it is respectfully submitted that the units and modules claimed in claims 26 – 42 are hardware and thus are statutory subject matter under 35 USC 101. Therefore, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Rejection of Claim 46 – 51 under 35 USC 101

Claims 46 – 51 are rejected under 35 USC 101 because the claimed invention is not directed towards statutory subject matter.

Claim 46 is amended to replace the phrase “said recognition method” with the phrase “said method of activation” to correct a typographical error. Additionally, claim 46 is amended to recite a “Method, implemented by a processor including executable instructions, of activation by recognition of synchronization signals in at least one audiovisual programme received, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information” wherein “said method of activation being implemented by means of an activation assembly”. As stated on page 19 lines 17-18 of the present specification, “the activation assembly [is] made up of the recognition and activation units“. Moreover, as discussed above with respect to the rejection of claims 26 – 41, the recognition units and activation units are tangible hardware components and not merely software per se as alleged in the Office Action. Therefore, it is respectfully submitted that the method claimed in claim 46 is

ted to a particular machine for implementing the claimed activities. Thus, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claims 49 – 51 are dependent on claim 46 and are considered patentable for the reasons presented above with respect to claim 46 and therefore are also directed towards statutory subject matter as required under 35 USC 101. Therefore, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claim 47 has been amended to recite a “Method, implemented by a processor including executable instructions, of specifying synchronization signals associated with at least one audiovisual programme, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information, said synchronization signals being intended to be detected in at least one transmitted stream carrying said audiovisual programme and thus to trigger at least one action” wherein “said specification method being implemented by means of a specification unit”. As discussed above with respect to the rejection of claims 26 – 41, the term unit includes a tangible hardware component and not merely software per se as alleged in the Office Action. Therefore, it is respectfully submitted that the method claimed in claim 47 is tied to a particular machine for implementing the claimed activities. Thus, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claim 48 has been amended to recite a “Synchronization method, implemented by a processor including executable instructions” wherein “said synchronization method being implemented by a synchronization system”. As stated on page 19, lines 11-15 of the present specification, the synchronization system is built from units which may include component(s) that are tangible hardware elements. Therefore, it is respectfully submitted that the method claimed in claim 48 is tied to a particular machine for implementing the claimed activities. Thus, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that the methods claimed in independent claims 46, 47 and 48 are tied to a particular machine and therefore are patentable subject matter under 35 USC 101. As claims 49 – 51 are dependent on claim 46, it is respectfully submitted that these claims are similarly drawn towards patentable subject matter under 35 USC 101. Therefore, it is further respectfully submitted that the rejection of claims 46 – 51 has been overcome and should be withdrawn.

Rejection of Claim 52 – 54 under 35 USC 101

Claims 52 – 54 are rejected under 35 USC 101 as being directed toward non-statutory subject matter because they are not limited to tangible embodiments. Claims 52 – 54 are amended in accordance with the suggestion in the Office Action to recite that claimed “computer readable storage medium” is a “computer readable **non-transitory storage** medium”. Thus, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Rejection of Claims 26-29 and 31 - 54 under 35 U.S.C. 102(b)

Claims 26 – 29 and 31 – 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffberg et al. (US 5,920,477).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).]

Claim 26 provides a recognition unit comprising a processor for executing instructions for recognizing synchronization signals in at least one audiovisual programme received, the audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information. The recognition unit includes a reception module and a recording module, for receiving and recording in a storage space. Recognition elements make it possible to obtain at least one extracted portion of

the content of the audiovisual programme. A reception module receives at least one transmitted stream carrying the audiovisual programme. A detection module detects the synchronization signals in the audiovisual programme received using the recognition elements stored in the storage space, by recognition in the content of the audiovisual programme received, of the extracted portion. A transmission module transmits action instructions in case of detection of the synchronization signals in the audiovisual programme, the instructions being designed so as to trigger at least one action. For the reasons presented below, Applicants respectfully submit that Hoffberg fails to disclose each feature claimed in claim 26 and therefore does not anticipate the recognition unit of claim 1.

Unlike the claimed arrangement, Hoffberg provides an enhanced interface for facilitating human input of a desired control sequence in a programmable device (e.g. a VCR) by employing specialized visual feedback (see Abstract). Hoffberg is fundamentally different from the claimed arrangement which makes it possible to initiate actions from a received audio-visual stream that is completely unintrusive with regard to broadcasters and operators of services while permitting simple and reliable implementation (Application, page 6, lines 11 – 15).

The Office Action asserts that Hoffberg, in col. 21, lines 53-60 discloses the claimed “recognition unit comprising a processor for executing instructions for recognizing synchronization signals in at least one audiovisual programme received, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information”. Specifically, the Office Action asserts that Hoffberg discusses inclusion of unique identifier codes each separate program being transmitted that allows a VCR to identify the particular program and begin recording when the user, via a remote control, has entered this code and when the code is received by the VCR is equivalent to the claimed “recognition elements” that make it “possible to obtain at least one extracted portion of the content of said audiovisual programme”. Applicants respectfully disagree.

Contrary to the assertion in the Office Action, the section of Hoffberg relied on in the Office Action (and elsewhere) describes a system and process that is fundamentally different from and not equivalent to the present claimed "recognition unit". The identifier codes described in Hoffberg are transmitted by special Video Program System Signal Transmitters (col. 21 lines 52-60). The identifier codes are emitted in a Video Program System Signal by the Video Program System Signal Transmitters of television stations and are transmitted at the beginning of a program and are not audio or video but rather digital data comprised in videotext, interpreted by a videotext programs computer. As stated in column 21, line 47 of Hoffberg: "*This is a different implementation of the Videotext system (..)*" and column 21, line 60 of Hoffberg: "*The videotext programs computer (VPV) disclosed does not intelligently interpret the transmission, rather the system reads the transmitted code as a literal label (..)*". It is well known by persons skilled in the art that videotext is non-audio and non-video digital data added to a television channel. In fact, this interpretation is confirmed in column 22, lines 7 - 10 of Hoffberg which states that the "videotext signal of the prior art includes a digitally encoded text message which may be displayed in conjunction with the displayed image, similar to the closed caption system". Thus, contrary to the assertion in the Office Action, identifier codes of Hoffberg cannot be considered to be part of an audiovisual programme such as the "at least one audiovisual programme" that is received by the claimed recognition unit. The present specification, on page 6, lines 27 - 29, specifically states that "*the expression 'audiovisual programme' is aimed at audio and/or video programmes*".

Moreover, the Office Action asserts that the identifier codes of Hoffberg are analogous to both the claimed "recognition elements" and the claimed "synchronization signals in said audiovisual program". Applicants respectfully disagree. Contrary to the interpretation in the Office Action the claimed "recognition elements" are different from the claimed "synchronization signals" because they accomplish different objectives in a different manner. The identifier codes described in Hoffberg are transmitted as a label, are associated with a transmission and are merely matched to user input to cause a transmission to be recorded. However, these identifier codes are

not included within a particular audiovisual programme as in the present claimed arrangement.

In addition, Hoffberg describes monitoring of a television channel for the unique identifier code, in order to detect the start of a programme and then start recording the programme. Monitoring a television channel for identifier code data as in Hoffberg is fundamentally different from the recognition of synchronization signals via recognition elements that correspond to a portion of the particular audiovisual programme as in the claimed arrangement. In the present claimed arrangement, the recognition unit recognizes synchronization signals in at least one received audiovisual programme by recognizing a portion of content of the audiovisual programme that is extracted from the total content of the audiovisual programme. Unlike the claimed arrangement, Hoffberg monitors a television channel for a unique identifier code from non-audio and non-video digital data that is added to the television channel. This is fundamentally different from the claimed arrangement which recognizes portions of the audiovisual programme without any additional data being changed and/or inserted into the audiovisual programme to provide a synchronization signal. Thus, the claimed arrangement advantageously enables system recognition of synchronization signals without adding or changing information within the audiovisual program data. The section of Hoffberg relied on the in Office Action (and elsewhere) teaches away from the claimed arrangement because it requires the insertion of data (identifier codes) into the transmission and uses this data to begin recording the transmission.

The present specification, on page 11, lines 22-24, provides examples of what the extracted portion may include and states “[p]referably, each of the portions of content consists of at least one of the following portions : an image, an image part, a sound and any combination of at least two of these portions.” A recognized portion is then considered as a detection of a synchronization signal as defined on page 7, lines 16-28 of the present specification which states:

“The recognition unit of the invention is therefore capable of detecting synchronization signals

without any modification being made to the audiovisual programmes, by direct analysis of the audiovisual content (such as pictures, sounds, part of the latter or in combinations) broadcast to the users.”

Therefore, it is respectfully submitted that the inclusion of identifier codes in a transmission stream as taught by Hoffberg teaches away from the present claimed arrangement which recognizes the content of an audiovisual programme “by means of said recognition elements stored in said storage space”. Unlike the claimed arrangement, Hoffberg describes a system that requires the transmission to be modified in order to identify the content. This is in direct contrast to the claimed system which enables the recognition unit to detect that a synchronization signal exists without the need to modify the audiovisual program itself or the stream in which it was transmitted and instead use a particular portion of the content of the audiovisual programme.

As Hoffberg operates in a fundamentally different manner than the present claimed arrangement, it is respectfully submitted that Hoffberg cannot teach or suggest the present claimed “detection module for detecting said synchronization signals in said audiovisual programme received, by means of said recognition elements stored in said storage space, by recognition in the content of said audiovisual programme received, of said extracted portion” as recited in claim 26. Rather, Hoffberg describes a VCR that is able to monitor a received television transmission for non-audio, non-video identifier code data to determine if a recording should occur. The monitoring of ancillary data in a transmission stream is not equivalent to using “recognition elements making it possible to obtain at least one extracted portion of the content of said audiovisual programme” to detect “synchronization signals in said audiovisual programme” by recognizing that a portion of the audiovisual programme corresponds to the extracted portion. Thus, Hoffberg monitors a different type of transmission for a different type of data (non-audio, non-video data) as compared to the claimed arrangement which identifies particular portions of the audiovisual programme which necessarily include audio and/or video data such as pictures, etc.

In view of the above remarks, it is respectfully submitted that Hoffberg fails to teach or suggest every element claimed in claim 26. Therefore, it is further respectfully submitted that Hoffberg cannot anticipate the present claimed arrangement. Thus, withdrawal of the rejection of claim 26 is respectfully requested.

Claims 27-29 and 31-36 are dependent on independent claim 26 and are considered patentable for the reasons presented above with respect to claim 26. Specifically, as each element of claims 27 - 29 and 31 - 36 are neither taught nor suggested by Hoffberg, it is respectfully submitted that claims 27 - 29 and 31 - 36 are not anticipated by Hoffberg. Consequently, withdrawal of the rejection of claims 27-29 and 31-36 is respectfully requested.

Claim 37 provides a specification unit comprising a processor for executing instructions for specifying synchronization signals associated with at least one audiovisual programme, said audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information, and said synchronization signals being intended to be detected in at least one transmitted stream carrying said audiovisual programme and thus to trigger at least one action. The specification unit includes a preparation module for preparing recognition elements making it possible to obtain at least one extracted portion of the content of the audiovisual programme and a transmission module for transmitting the recognition elements independently of transmissions of the audiovisual programme, to at least one recognition unit intended to detect the synchronization signals in the transmitted stream carrying the audiovisual programme, by recognizing the extracted portion in the content of the audiovisual programme. The preparation and transmission modules of the unit are designed respectively to prepare and transmit at least one action timeout lag in case of detection of the synchronization signals and the specification unit being capable of cooperating with the recognition unit. For the reasons presented below Applicants respectfully submit that Hoffberg fails to disclose or suggest each feature of claim 37 and therefore does not anticipate claim 37.

Claim 37 is considered patentable for similar reasons as discussed above with respect to independent claim 26. The Office Action relies on substantially the same sections of Hoffberg in support of the assertion that Hoffberg anticipates each feature claimed in independent claim 37. Applicants respectfully disagree. Specifically, the claimed arrangement specifies and prepares particular recognition elements to be transmitted independently of audiovisual programme transmission. The system described in column 21, lines 52 – 60 of Hoffberg is merely a monitoring system and fails to provide any enabling disclosure of “preparing recognition elements making it possible to obtain at least one extracting portion of the content of said audiovisual programme” as recited in claim 37. Rather, the section relied on in the Office Action merely describes a set of predetermined codes, that are known and when input by a user at the receiving end, that triggers recording of the program. This is fundamentally different from the claimed arrangement which prepares the recognition elements which enable a recognition unit to determine if synchronization signals exist by identifying a portion of the audiovisual programme removing the need to append data to the transmission stream of the audiovisual programme.

The Office Action relies on column 25, line 62 – column 26, line 2 in support of the assertion that Hoffberg discloses the claimed “preparation module”. Applicants respectfully disagree. Rather, the cited section of Hoffberg (and elsewhere) merely describes receiving input from an input device, i.e. a remote control. The received input includes identifying data that determines data to be stored on a storage apparatus. Input from a remote control is not equivalent to “preparing recognition elements making it possible to obtain at least one extracted portion of the content of said audiovisual programme” as recited in claim 37. The input received from the input device in Hoffberg may enable recording of an entire transmission. However, this is not equivalent to the claimed arrangement which enables extraction of a portion of the content which is then used to determine if synchronization signals corresponding the extracted portion of the programme are present in the audiovisual programme received at a recognition unit.

Additionally, the Office Action relies on column 21, lines 52 – 60 in support of the assertion that the claimed “transmission module” is disclosed. Applicants respectfully disagree. Contrary to the assertion in the Office Action, Hoffberg merely describes transmitting the identifier codes as a videotext text message with the transmission (see col. 21, line 52 – 60 and col. 22, lines 7 – 10). Therefore, Hoffberg teaches away from the claimed arrangement which recites “a transmission module for transmitting said recognition elements **independently** of transmissions of said audiovisual programme”. Therefore, as each element of claim 37 is neither taught nor suggested by Hoffberg, it is respectfully submitted that Hoffberg fails to anticipate the present claimed arrangement. Thus, withdrawal of the rejection of claim 37 is respectfully requested.

Claims 38-39 are dependent on independent claim 37 and are considered patentable for the reasons presented above with respect to claim 37. Specifically, as each element of claims 38 and 39 are neither taught nor suggested by Hoffberg, it is respectfully submitted that claims 38 and 39 are not anticipated by Hoffberg. Consequently, withdrawal of the rejection of claims 38 and 39 is respectfully requested.

Claim 40 provides an activation assembly comprising a processor for executing instructions for activation by recognition of synchronization signals in at least one audiovisual programme received, the audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information. The activation assembly includes a recognition unit for recognizing the synchronization signals in at least one transmitted stream carrying the audiovisual programme, by recognition of at least one extracted portion of the content of the audiovisual programme, by means of recognition elements making it possible to obtain said portion and the recognition elements are recorded in a storage space. An activation unit designed to trigger at least one action in case of detection of the synchronization signals by the recognition unit, wherein at least one of the recognition and activation units is designed to delay the triggering of said action by at least a determined timeout lag, in

case of detection of said synchronization signals. The recognition unit is similar to the one discussed above in claim 26.

Independent claim 40 includes similar features to claim 26 and thus is considered patentable for the reasons presented above with respect to claim 26. Additionally, as discussed above with respect to claim 26, Hoffberg fails to disclose or suggest each feature of the claimed recognition unit. In fact, Hoffberg teaches away from the claimed recognition unit because the inclusion of identifier codes is in direct contrast to the present claimed arrangement which recognizes the content of an audiovisual programme "by means of said recognition elements stored in said storage space". Unlike the claimed arrangement, Hoffberg describes a system that requires the transmission to be modified in order to identify the content. This is in direct contrast to the claimed system which enables the recognition unit to detect that a synchronization signal exists without the need to modify the audiovisual program itself or the stream in which it was transmitted and instead uses a particular portion of the content of the audiovisual programme. Therefore, because Hoffberg fails to teach or suggest each feature of independent claim 40, it is respectfully submitted that Hoffberg fails to anticipate the present claimed arrangement. Therefore, withdrawal of the rejection of claim 40 is respectfully requested.

Claim 41 is dependent on independent claim 40 and is considered patentable for the reasons presented above with respect to claim 40. Specifically, as each element of claim 41 is neither taught nor suggested by Hoffberg, it is respectfully submitted that claim 41 is not anticipated by Hoffberg. Consequently, withdrawal of the rejection of claim 41 is respectfully requested.

Claim 42 provides a synchronization system comprising a processor for executing instructions comprising a specification unit for specifying synchronization signals associated with at least one audiovisual programme, the audiovisual programme comprising an audiovisual content intended to be broadcast to users and control information. A recognition unit is provided for recognizing the synchronization signals

in at least one transmitted stream carrying the audiovisual programme, by recognition of at least one extracted portion of the content of the audiovisual programme, in the audiovisual programme received. An activation unit is designed to trigger at least one action in case of detection of the synchronization signals by the recognition unit, the recognition unit and the activation unit forming an activation assembly, wherein the specification unit is designed to prepare and transmit to the recognition unit recognition elements making it possible to obtain the extracted portion, as well as at least one action timeout lag in case of detection of the synchronization signals, and in that the activation assembly is capable of delaying the triggering of the action according to the lag transmitted, in case of detection of the synchronization signals. The specification unit includes features similar to those described in claim 37. For the reasons presented below, Applicants respectfully submit that Hoffberg fails to disclose each feature claimed in claim 42 and therefore does not anticipate claim 42.

The Office Action cites column 21, lines 52 – 60 in support of the assertion that the present claimed “specification unit” is disclosed. Applicants respectfully disagree. As discussed above with respect to claim 37, Hoffberg merely describes transmitting the identifier codes as a videotext text message with the transmission (see col. 21, line 52 – 60 and col. 22, lines 7 – 10). Therefore, Hoffberg teaches away from the claimed arrangement wherein the specification unit includes “a preparation module” for preparing particular recognition elements and “a transmission module for transmitting said recognition elements **independently** of transmissions of said audiovisual programme”. Unlike the claimed arrangement, the cited section of Hoffberg specifically describes appending text data to a transmission signal and transmitting the signal to the receiver. This interpretation is confirmed by the acknowledgement on page 13 of the Office Action which states that Hoffberg monitors transmission channels for the code and then acts in response to receipt of the code. Thus, Hoffberg teaches away from the claimed arrangement because the specification unit transmits the recognition elements independently from the audiovisual programme. Moreover, the monitoring of a transmission channel for a text code as in Hoffberg is not equivalent to using recognition elements for “recognizing said synchronization signals in at least one

transmitted stream carrying said audiovisual programme, by recognition of at least one extracted portion of the content of said audiovisual programme, in the audiovisual programme received" as in the present claimed arrangement. In contrast to the present claimed arrangement, Hoffberg requires additional non-audio, non-video data to match data input by a user. On the other hand, the claimed arrangement uses recognition elements including an extracted portion of the audiovisual programme to detect if the extracted portion is in the received audiovisual programme to determine if a synchronization signal is present. Hoffberg fails to contemplate an equivalent feature. Therefore, as each element of claim 42 is neither taught nor suggested by Hoffberg, it is respectfully submitted that Hoffberg fails to anticipate the present claimed arrangement. Thus, withdrawal of the rejection of claim 42 is respectfully requested.

Claims 43 – 45 are dependent on claim 37 and are considered patentable for the reasons presented above with respect to claim 37.

Claim 46 is a method claim that includes features that are similar to those claimed in independent claim 40. Therefore, claim 46 is considered patentable for the reasons presented above with respect to claim 40. Consequently, withdrawal of the rejection of claim 46 is respectfully requested.

Claim 47 is a method claim that includes features that are similar to those claimed in independent claim 37. Therefore, claim 47 is considered patentable for the reasons presented above with respect to claim 37. Consequently, withdrawal of the rejection of claim 47 is respectfully requested.

Claim 48 is a method claim that includes features that are similar to those claimed in independent claim 37. Therefore, claim 48 is considered patentable for the reasons presented above with respect to claim 37. Consequently, withdrawal of the rejection of claim 48 is respectfully requested.

Claims 49 – 51 are dependent on independent claim 46 and are considered patentable for the reasons presented above with respect to claim 46. Specifically, as each element of claims 49 – 51 are neither taught nor suggested by Hoffberg, it is respectfully submitted that claims 49 – 51 are not anticipated by Hoffberg. Consequently, withdrawal of the rejection of claims 49 – 51 is respectfully requested.

Claim 52 is an independent claim which provides a computer readable non-transitory storage medium including features that are similar to those claimed in independent claim 26. Therefore, claim 52 is considered patentable for the reasons presented above with respect to claim 26. Consequently, withdrawal of the rejection of claim 52 is respectfully requested.

Claim 53 is an independent claim which provides a computer readable non-transitory storage medium including features that are similar to those claimed in independent claim 37. Therefore, claim 53 is considered patentable for the reasons presented above with respect to claim 37. Consequently, withdrawal of the rejection of claim 53 is respectfully requested.

Claim 54 provides a computer readable non-transitory medium including features that are similar to those claimed in independent claims 26 and 37. Therefore, claim 54 is considered patentable for the reasons presented above with respect to claims 26 and 37. Consequently, withdrawal of the rejection of claim 54 is respectfully requested.

In view of the above remarks it is respectfully submitted the Office Action fails to make a prima facie case that the present claimed arrangement is anticipated by Hoffberg. Thus, Applicants respectfully submit that claims 26 – 29 and 31 – 54 are not anticipated by Hoffberg. It is thus, further respectfully submitted that this rejection is overcome and should be withdrawn.

Rejection of Claim 30 under 35 U.S.C. 103(a)

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Hoffberg et al. (US 5,920,477) in view of Solvason (WO 02/21840 A2).

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the “consideration” of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely “consider” each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeals and Interferences has recently confirmed, a proper obviousness determination requires that an Examiner make “a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art.” See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claim 30 is dependent on claim 26 and is considered patentable for the reasons presented above with respect to claim 26. Additionally, Solvason (with Hoffberg) fails to teach or suggest “a reception module and a recording module, for receiving and recording in a storage space, recognition elements making it possible to obtain at least one extracted portion of the content of said audiovisual programme” as recited in claim 26. Solvason (with Hoffberg) also fails to teach or suggest “a detection module for detecting said synchronization signals in said audiovisual programme received, by means of said recognition elements stored in said storage space, by recognition in the content of said audiovisual programme received, of said extracted portion” and “a transmission module for transmitting action instructions in case of detection of said

synchronization signals in said audiovisual programme, said instructions being designed so as to trigger at least one action” as recited in claim 26.

Claim 30 is further considered patentable because Solvason (with Hoffberg) fails to teach or suggest that “said recognition elements include at least one Boolean operator, said detection module being designed to detect at least two of said portions of content in conjunction with said boolean operator and the transmission module being designed to transmit said action instructions in case of such detection” as recited in claim 30. The Office Action cites col. 44 lines 5-36 of Hoffberg, in support of the assertion that the claimed feature of the detection module being designed to detect at least two of the portions of content is disclosed. Applicants respectfully disagree. It is respectfully submitted that the Office Action misunderstands the present claimed arrangement because the section relied on Hoffberg (and elsewhere), discusses “characteristics of program material”, which Hoffberg explains in col. 44 lines 16-36. These characteristics are fundamentally different from and not equivalent to the claimed “portions of content” which are the portions of content of the audiovisual programme extracted using the recognition elements. The characteristics described in Hoffberg merely relate to the type of programming and have nothing to do with using the actual received programme data to detect synchronization signals.

The Office Action acknowledges that Hoffberg fails to teach that the recognition element includes at least one Boolean operator and cites page 10, line 22 – page 11, line 8 of Solvason in support of the assertion that this feature is disclosed. Applicants respectfully disagree. As set forth in the response filed on August 28, 2009, Solvason fails to teach or suggest the use of recognition elements as in the claimed arrangement. Rather, the cited section of Solvason (and elsewhere) relates to specifying user characteristics using a Boolean expression to define actions to be taken for particular client computers. This is not equivalent to the claimed recognition elements which are transmitted to at least one recognition unit intended and used in detecting synchronization signals associated with at least one audiovisual programme in a transmitted stream carrying the audiovisual programme, by recognizing extracted

portion(s) in the content of the audiovisual programme. The URI command described in Solvason is NOT equivalent to the claimed recognition elements. URI commands are not used for detecting synchronization of any type for any purpose and therefore are not "recognition elements" which make it possible to obtain at least one extracted portion of the content of an audiovisual programme.

Even if one were to combine the system of Hoffberg with the system of Solvason, the resulting system would merely enable user input of multiple identifier codes that are constructed using a Boolean expression. The combination would still fail to teach or suggest "a reception module and a recording module, for receiving and recording in a storage space, recognition elements making it possible to obtain at least one extracted portion of the content of said audiovisual programme" as in the claimed arrangement. The combination would also fail to teach or suggest "a detection module for detecting said synchronization signals in said audiovisual programme received, by means of said recognition elements stored in said storage space, by recognition in the content of said audiovisual programme received, of said extracted portion" and "a transmission module for transmitting action instructions in case of detection of said synchronization signals in said audiovisual programme, said instructions being designed so as to trigger at least one action" as recited in claimed arrangement. Furthermore, the combination of Solvason with Hoffberg also fails to teach or suggest that "said recognition elements include at least one Boolean operator, said detection module being designed to detect at least two of said portions of content in conjunction with said boolean operator and the transmission module being designed to transmit said action instructions in case of such detection".

In view of the above remarks, it is respectfully submitted that the Office Action fails to make a prima facie case that the present claimed arrangement is obvious over Hoffberg alone or in combination with Solvason. Therefore, as the combination fails to teach or suggest each feature claimed in claim 30, it is respectfully submitted that this rejection is overcome and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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March 12, 2009